

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
Plaintiff,

No. CR 05-00595 WHA  
No. CR 10-00207 WHA

v.

SADELL CONRAD,  
Defendant.

**ORDER DENYING DEFENDANT'S  
MOTION FOR RECONSIDERATION  
OF ORDER DENYING MOTION FOR  
REDUCTION OF SENTENCE**

Defendant Sadell Conrad moves, *pro se*, for reconsideration of the order denying his motion for a reduction of his sentence pursuant to 18 U.S.C. 3582(c)(2). Defendant has not been granted leave, however, to file such motion. Pursuant to Civil Local Rule 7-9, which applies to this matter pursuant to Criminal Local Rule 2-1, no party may notice a motion for reconsideration without first obtaining leave of Court to file the motion. Even if this order were to construe the motion as a motion for leave to file a motion for reconsideration, it does not present a material difference in fact or law from that which was presented previously, the emergence of new material facts or a change of law since that time, or a manifest failure by the Court to consider material facts or dispositive legal arguments.

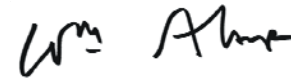
Defendant invokes an amendment to the sentencing guidelines that affects the implementation of the Fair Sentencing Act of 2010, which amendment goes into effect on November 1, 2011. The amendment does not make the statutory changes in the Fair Sentencing Act retroactive. Moreover, until November 1, courts are bound to apply Section 1B1.10 as set forth in the 2010 guidelines. Defendant also argues that his plea agreement did not waive his

1 right to bring a motion for a reduction of his sentence pursuant to 18 U.S.C. 3582(c)(2), citing  
2 *United States v. Lightfoot*, 626 F.3d 1092 (9th Cir. 2010). That decision considered whether a  
3 defendant had waived such right via a plea agreement that specifically did not mention Section  
4 3582(c)(2). *Id.* at 1095. Again, here defendant's plea agreement stated: "I agree to waive any  
5 right I might have to file any collateral attack on my conviction or sentence, including a . . .  
6 motion under 18 U.S.C. § 3582, at any time in the future after I am sentenced, except for a claim  
7 that my constitutional right to the effective assistance of counsel was violated."

8 Therefore, defendant's motion for reconsideration is **DENIED**.

9  
10 **IT IS SO ORDERED.**

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12 Dated: August 15, 2011.



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WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE